

REMARKS

This Amendment and Response to Final Office Action is being submitted in response to the final Office Action dated January 28, 2010. Claims 1-12, 15-36, and 38-41 are pending in the Application.

- 1) Claims 1-12, 15-35, and 38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sharma et al. (U.S. Pat. No. 6,766,165, hereinafter Sharma) in view of Heitman et al. (U.S. Pat. No. 6,920,494 hereinafter Heitman) in further view of Ahmed et al. (U.S. Pat. No. 7,158,484, hereinafter Ahmed) in further view of Cooper et al. (U.S. Pat. Publ. No. 2003/0061506, hereinafter Cooper) in further view of Lewis (U.S. Pat. No 5,636,344).
- 2) Claim 36 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sharma in view of Heitman in further view of Ahmed in further view of Cooper.
- 3) Claims 39-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sharma in view of Heitman in further view of Ahmed in further view of Cooper in further view of Lewis in further view of Schmitz (U.S. Pat. No. 6,665,269).

Claims 1, 33, 36, and 38 have been amended herein to further clarify the subject matter which Applicants regard as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the remarks presented herein, reconsideration of the Application is respectfully requested.

In the current Final Office Action, Examiner relies on Sharma (at Col. 25, lines 55-60) to teach the use of a WLAN (what Sharma calls a wireless Ethernet hub) and Ahmed (at Col. 2, lines 35-67 and Col. 8, lines 10-63) to teach collection of frames transmitted on a wireless network. Further, Examiner has introduced Schmitz to teach WLAN configured properties (at FIG. 5 and Col. 7, lines 1-25).

Applicant has amended independent Claims 1, 33, 36, and 38 to recite “IEEE 802.11 management and control wireless local area network frames.” None of the references teach or fairly suggest “receiving scan data comprising information collected from IEEE 802.11 management and control wireless local area network frames transmitted on the wireless network” (as recited in Claim 1). In particular, Schmitz analyzes all transmitted frames (see Schmitz, Col. 3, lines 32-67), and not just IEEE 802.11 management and control frames. Both Sharma and Ahmed relate to cellular networks (e.g., CDMA, TDMA) and fail to teach or fairly suggest monitoring IEEE 802.11 management and control frames.

Based on this amendment, Applicant respectfully submits that none of the prior art references – Sharma, Heitman, Ahmed, Cooper, and Lewis – relate to wireless local area networks (WLAN) – WLAN is a term referring to IEEE 802.11-based networks which are not cellular networks (TDMA/CDMA/etc.). Specifically, Sharma relates to cellular networks (e.g., CDMA). Heitman relates to storage area networks. Ahmed relates to cellular networks (e.g., TDMA). Cooper relates to layer 3 (TCP) network security. Finally, Lewis relates to a wired message network. None of these references discloses, teaches, or suggests a wireless local area network or WLAN.

Further, independent Claim 33 has been amended to recite a limitation of “wherein the wireless sensor operates in a promiscuous mode.” Applicant respectfully submits this clarifies a difference between Applicant’s wireless sensor and Ahmed’s base station. In particular, a cellular base station does not operate in a promiscuous mode, i.e. where users are unable to access or identify the base station’s presence.

Accordingly, Applicant respectfully submits the rejections have been traversed, and Applicant respectfully requests withdrawal of all rejections.

CONCLUSION

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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